

House File 45

S-3022

1 Amend the amendment, S-3009, to House File 45,
2 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 4, after line 29 by inserting:
5 <Sec. _____. 2010 Iowa Acts, chapter 1184, section
6 43, is amended to read as follows:

7 SEC. 43. SAVE OUR SMALL BUSINESSES FUND
8 APPROPRIATION.

9 1. There is appropriated from the school
10 infrastructure fund created in section 12.82 to the
11 department of economic development for deposit in the
12 save our small businesses fund for the fiscal year
13 beginning July 1, 2010, and ending June 30, 2011, the
14 following amount, or so much thereof as is necessary,
15 to be used for the purposes designated:
16 For purposes of providing financial assistance under
17 the save our small businesses program under section
18 15.301:

19 \$ 5,000,000

20 Of the moneys appropriated pursuant to this section,
21 the department may allocate an amount not to exceed
22 two percent of the moneys appropriated for purposes of
23 retaining the services of an organization designated
24 pursuant to section 15.301, subsection 2, paragraph
25 "b".

26 2. On the effective date of this section of this
27 2011 Iowa Act, any unobligated and unencumbered moneys
28 appropriated in this section shall revert to the school
29 infrastructure fund.>

30 2. Page 4, after line 37 by inserting:

31 <Sec. _____. REPEAL. Sections 15.300 and 15.301,
32 Code 2011, are repealed.

33 Sec. _____. LOANS — CONTINUED EFFECT. Loans awarded
34 from the save our small business fund pursuant to
35 section 15.301, prior to the effective date of this
36 section, shall continue as provided by the terms of the
37 loans and shall be administered by the department of
38 economic development.>

39 3. Page 4, after line 39 by inserting:

40 <Sec. _____. GREAT PLACES PROGRAM.

41 1. For the period beginning on the effective
42 date of this section through the close of the fiscal
43 year ending on June 30, 2011, the department of
44 cultural affairs shall be subject to a limitation on
45 expenditures made on or after the effective date of
46 this section for purposes of the great places program
47 in accordance with this section.

48 2. The limitation shall be equal to any expended or
49 encumbered amount that the department has budgeted or
50 otherwise designated for purposes of the great places

1 program, from the appropriations made for the fiscal
2 year beginning July 1, 2010, and ending June 30, 2011,
3 to the department from all sources, as of the effective
4 date of this section. Any great places program grant
5 contract entered into prior to the effective date of
6 this section shall continue as provided by the terms
7 of the contract.>

8 4. Page 9, after line 18 by inserting:

9 <DIVISION

10 POWER FUND — OFFICE OF ENERGY INDEPENDENCE

11 Sec. _____. REPEAL. Sections 469.9 and 469.10, Code
12 2011, are repealed.

13 Sec. _____. REPEAL. Sections 469.1, 469.2, 469.3,
14 469.4, 469.5, 469.6, 469.7, 469.8, and 469.11, Code
15 2011, are repealed.

16 Sec. _____. TRANSITION PROVISIONS — DEPARTMENTAL
17 AUTHORITY. Beginning on the effective date of this
18 section, the department of economic development shall
19 assume the duties of the office of energy independence
20 until otherwise determined by the general assembly.
21 During the 2011 session of the Eighty-fourth General
22 Assembly, the joint appropriations subcommittee on
23 economic development shall include Code provisions
24 relating to the repeal of chapter 469 and the transfer
25 of departmental authority from the office of energy
26 independence to another state entity in a proposed
27 committee on appropriations bill.

28 Sec. _____. TRANSITION PROVISIONS — CONTINUATION OF
29 GRANTS.

30 1. Any moneys remaining in any account or fund
31 under the control of the office of energy independence
32 on the effective date of this division relative to the
33 provisions of this division shall be transferred to a
34 comparable fund or account under the control of the
35 department of economic development for such purposes,
36 until otherwise determined by the general assembly.
37 Notwithstanding section 8.33, the moneys transferred in
38 accordance with this subsection shall not revert to the
39 account or fund from which appropriated or transferred.

40 2. Any license, permit, or contract issued or
41 entered into by the office of energy independence
42 relative to the provisions of this division in effect
43 on the effective date of this division shall continue
44 in full force and effect pending transfer of such
45 licenses, permits, or contracts to the department of
46 economic development, until otherwise determined by the
47 general assembly.

48 3. Grants or loans awarded from the Iowa power fund
49 pursuant to section 469.9 prior to the effective date
50 of this division shall continue as provided by the

1 terms of the grants or loans and shall be administered
2 by the department of economic development, until
3 otherwise determined by the general assembly.

4 4. Federal funds utilized by the director of the
5 office of energy independence prior to the effective
6 date of this division to employ personnel necessary
7 to administer the provisions of this division shall
8 be applicable to the transfer of such personnel from
9 the office of energy independence to the department
10 of economic development, or other state agency as
11 determined by the general assembly.

12 Sec. _____. EFFECTIVE UPON ENACTMENT. Except for
13 the section of this division repealing sections 469.9
14 and 469.10, which shall take effect July 1, 2011,
15 this division of this Act, being deemed of immediate
16 importance, takes effect upon enactment.>

17 5. Page 16, after line 5 by inserting:

18 <DIVISION _____
19 GROW IOWA VALUES FUND AND PROGRAM

20 Sec. _____. Section 15.103, subsection 6, Code 2011,
21 is amended to read as follows:

22 6. As part of the organizational structure of the
23 department, the board shall establish a due diligence
24 committee and a loan and credit guarantee committee
25 composed of members of the board. The committees shall
26 serve in an advisory capacity to the board and shall
27 carry out any duties assigned by the board in relation
28 to programs administered by the department. The loan
29 and credit guarantee committee shall advise the board
30 on the winding up of loan guarantees made under the
31 loan and credit guarantee program established pursuant
32 to section 15E.224, Code 2009, ~~and on the proper~~
33 ~~amount of the allocation described in section 15G.111,~~
34 ~~subsection 4, paragraph "g".~~

35 Sec. _____. Section 15.104, subsection 1, Code 2011,
36 is amended by striking the subsection.

37 Sec. _____. Section 15.104, subsection 8, paragraphs
38 b and i, Code 2011, are amended by striking the
39 paragraphs.

40 Sec. _____. Section 15.104, subsection 8, paragraph
41 j, Code 2011, is amended to read as follows:

42 *j. Renewable fuel programs.* A detailed accounting
43 of expenditures in support of renewable fuel
44 infrastructure programs, as provided in sections
45 15G.203 and 15G.204. ~~The renewable fuel infrastructure~~
46 ~~board established in section 15G.202 shall approve that~~
47 ~~portion of the department's annual report regarding~~
48 ~~projects supported from the grow Iowa values fund~~
49 ~~created in section 15G.111. This paragraph is repealed~~
50 on July 1, 2012.

1 Sec. _____. Section 15.327, Code 2011, is amended by
2 adding the following new subsections:
3 NEW SUBSECTION. 01. "*Base employment level*" means
4 the number of full-time equivalent positions at a
5 business, as established by the department and a
6 business using the business's payroll records, as of
7 the date a business applies for financial assistance
8 under the program.
9 NEW SUBSECTION. 3A. "*County wage*" means the
10 average hourly compensation rates, excluding the value
11 of nonwage benefits for comparable jobs, from the most
12 recent four quarters of wage and employment information
13 from the quarterly covered wage and employment
14 data report issued by the department of workforce
15 development.
16 NEW SUBSECTION. 7A. "*Full-time equivalent position*"
17 means a non-part-time position for the number of hours
18 or days per week considered to be full-time work for
19 the kind of service or work performed for an employer.
20 Typically, a full-time equivalent position requires
21 two thousand eighty hours of work in a calendar year,
22 including all paid holidays, vacations, sick time, and
23 other paid leave.
24 NEW SUBSECTION. 7B. "*Maintenance period*" means the
25 period of time between the project completion date and
26 maintenance period completion date.
27 NEW SUBSECTION. 12A. "*Regional wage*" means the
28 average hourly compensation rates, excluding the value
29 of nonwage benefits for comparable jobs, from the most
30 recent four quarters of wage and employment information
31 from the quarterly covered wage and employment
32 data report issued by the department of workforce
33 development.
34 Sec. _____. Section 15.327, subsections 1, 4, 7, 8,
35 10, 12, and 13, Code 2011, are amended by striking
36 the subsections and inserting in lieu thereof the
37 following:
38 1. "*Benefit*" means nonwage compensation provided
39 to an employee. Benefits typically include medical
40 and dental insurance plans, pension, retirement,
41 and profit-sharing plans, child care services,
42 life insurance coverage, vision insurance coverage,
43 disability insurance coverage, and any other nonwage
44 compensation as determined by the board.
45 4. "*Created job*" means a new, permanent, full-time
46 equivalent position added to a business's payroll in
47 excess of the business's base employment level.
48 7. "*Fiscal impact ratio*" means a ratio calculated
49 by estimating the amount of taxes to be received from
50 a business by the state and dividing the estimate by

1 the estimated cost to the state of providing certain
2 financial incentives to the business, reflecting
3 a ten-year period of taxation and incentives and
4 expressed in terms of current dollars. For purposes
5 of the program, "*fiscal impact ratio*" does not include
6 taxes received by political subdivisions.

7 8. "*Maintenance period completion date*" means the
8 date on which the maintenance period ends.

9 10. "*Project completion date*" means the date by
10 which a recipient of financial assistance has agreed
11 to meet all the terms and obligations contained in an
12 agreement with the department as described in section
13 15.330.

14 12. "*Qualifying wage threshold*" means the county
15 wage or the regional wage, as calculated pursuant to
16 subsections 3A and 12A, whichever is lower.

17 13. "*Retained job*" means a full-time equivalent
18 position, in existence at the time an employer applies
19 for financial assistance which remains continuously
20 filled or authorized to be filled as soon as possible
21 and which is at risk of elimination if the project
22 for which the employer is seeking assistance does not
23 proceed.

24 Sec. _____. Section 15.329, subsection 2, Code 2011,
25 is amended to read as follows:

26 2. A business providing a sufficient package of
27 benefits to each employee holding a created or retained
28 job shall qualify for a credit against the qualifying
29 wage threshold requirements described in subsection
30 1, paragraph "c". The credit shall be calculated and
31 applied in the following manner: ~~described in section~~
32 ~~15C.112, subsection 4, paragraph "b".~~

33 a. By multiplying the qualifying wage threshold of
34 the county in which the business is located by one and
35 three-tenths.

36 b. By multiplying the result of paragraph "a" by
37 one-tenth.

38 c. The amount of the result of paragraph "b" shall
39 be credited against the amount of the one hundred
40 thirty percent qualifying wage threshold requirement
41 that the business is required to meet under subsection
42 1, paragraph "c".

43 d. The credit shall not be applied against the
44 one hundred percent of qualifying wage threshold
45 requirement described in subsection 1, paragraph "c".

46 Sec. _____. Section 15.330, subsection 4, Code 2011,
47 is amended to read as follows:

48 4. A project completion date, a maintenance period
49 completion date, the number of jobs to be created
50 or retained, or certain other terms and obligations

1 described in ~~section 15G.112, subsection 1, paragraph~~
2 ~~"d"~~ an agreement, as the department deems necessary in
3 order to make the requirements in project agreements
4 uniform. The department, with the approval of
5 the board, may adopt rules as necessary for making
6 such requirements uniform. Such rules shall be in
7 compliance with the provisions of this part ~~and with~~
8 ~~the provisions of chapter 15G.~~

9 Sec. _____. Section 15.335A, subsection 1, unnumbered
10 paragraph 1, Code 2011, is amended to read as follows:

11 Tax incentives are available to eligible businesses
12 as provided in this section. The incentives are based
13 upon the number of jobs created or retained that pay
14 at least one hundred thirty percent of the qualifying
15 wage threshold as computed pursuant to section
16 ~~15G.112~~ 15.329, subsection 4 1, and the amount of the
17 qualifying investment made according to the following
18 schedule:

19 Sec. _____. Section 15.335A, subsection 2, paragraphs
20 b, c, f, and g, Code 2011, are amended by striking the
21 paragraphs.

22 Sec. _____. Section 15.335A, subsection 5, Code 2011,
23 is amended to read as follows:

24 5. The department shall negotiate the amount of tax
25 incentives provided to an applicant under the program
26 in accordance with this section ~~and section 15G.112, as~~
27 ~~applicable.~~

28 Sec. _____. Section 15A.7, subsection 3, Code 2011,
29 is amended to read as follows:

30 3. That the employer shall agree to pay wages for
31 the jobs for which the credit is taken of at least the
32 county wage or the regional wage, as calculated ~~by the~~
33 ~~department pursuant to section 15G.112, subsection 3~~
34 ~~15.327, subsections 3A and 12A, whichever is lower.~~
35 Eligibility for the supplemental credit shall be based
36 on a one-time determination of starting wages by the
37 community college.

38 Sec. _____. Section 15E.193, subsection 1, paragraphs
39 b through d, Code 2011, are amended to read as follows:

40 b. (1) The business shall provide a sufficient
41 package of benefits to each employee holding a created
42 or retained job. For purposes of this paragraph,
43 "created job" and "retained job" have the same meaning
44 as defined in section ~~15G.101~~ 15.327.

45 (2) The board, upon the recommendation of the
46 department, shall adopt rules determining what
47 constitutes a sufficient package of benefits.

48 c. The business shall pay a wage that is at least
49 ninety percent of the qualifying wage threshold. For
50 purposes of this paragraph, "qualifying wage threshold"

1 has the same meaning as defined in section ~~15G.101~~
2 15.327.

3 d. Creates or retains at least ten full-time
4 equivalent positions and maintains them until the
5 maintenance period completion date. For purposes of
6 this paragraph, "*maintenance period completion date*" and
7 "*full-time equivalent position*" have the same meanings
8 as defined in section ~~15G.101~~ 15.327.

9 Sec. _____. Section 15E.231, unnumbered paragraph 1,
10 Code 2011, is amended to read as follows:

11 ~~In order for an~~ An economic development region to
12 ~~receive moneys under the grow Iowa values financial~~
13 ~~assistance program established in section 15G.112,~~
14 ~~an~~ shall establish a regional development plan. An
15 economic development region's regional development
16 plan must be approved by the department. An economic
17 development region shall consist of not less than
18 three counties, unless two contiguous counties have a
19 combined population of at least three hundred thousand
20 based on the most recent federal decennial census. An
21 economic development region shall establish a focused
22 economic development effort that shall include a
23 regional development plan relating to one or more of
24 the following areas:

25 Sec. _____. Section 15E.232, subsections 1, 3, 4,
26 5, 6, and 7, Code 2011, are amended by striking the
27 subsections.

28 Sec. _____. Section 15E.351, subsection 1, Code 2011,
29 is amended to read as follows:

30 1. The department shall establish and administer
31 a business accelerator program to provide financial
32 assistance for the establishment and operation of a
33 business accelerator for technology-based, value-added
34 agricultural, information solutions, alternative
35 and renewable energy including the alternative and
36 renewable energy sectors listed in section 476.42,
37 subsection 1, paragraph "a", or advanced manufacturing
38 start-up businesses or for a satellite of an existing
39 business accelerator. The program shall be designed
40 to foster the accelerated growth of new and existing
41 businesses through the provision of technical
42 assistance. ~~The department, subject to the approval of~~
43 ~~the economic development board, may provide financial~~
44 ~~assistance under this section from moneys allocated~~
45 ~~for regional financial assistance pursuant to section~~
46 ~~15G.111, subsection 9.~~

47 Sec. _____. Section 159A.6B, subsection 2, Code 2011,
48 is amended to read as follows:

49 2. The office may execute contracts in order to
50 provide technical support and outreach services for

1 purposes of assisting and educating interested persons
2 as provided in this section. The office may also
3 contract with a consultant to provide part or all
4 of these services. The office may require that a
5 person receiving assistance pursuant to this section
6 contribute up to fifty percent of the amount required
7 to support the costs of contracting with the consultant
8 to provide assistance to the person. ~~The office~~
9 ~~shall assist the person in completing any technical~~
10 ~~information required in order to receive assistance~~
11 ~~by the department of economic development pursuant~~
12 ~~to the value-added agriculture component of the grow~~
13 ~~Iowa values financial assistance program established~~
14 ~~pursuant to section 15G.112.~~

15 Sec. _____. Section 455B.104, subsection 2, Code
16 2011, is amended by striking the subsection.

17 Sec. _____. 2010 Iowa Acts, chapter 1184, section 26,
18 is amended to read as follows:

19 SEC. 26. GROW IOWA VALUES FUND.

20 1. There is appropriated from the rebuild Iowa
21 infrastructure fund to the department of economic
22 development for deposit in the grow Iowa values fund,
23 for the fiscal year beginning July 1, 2010, and ending
24 June 30, 2011, the following amount, notwithstanding
25 section 8.57, subsection 6, paragraph "c":

26 \$ 38,000,000

27 2. On the effective date of this section of this
28 2011 Iowa Act, any unobligated and unencumbered moneys
29 appropriated in this section and section 27 of this
30 2010 Iowa Act, shall revert to the general fund of the
31 state. Any repayments of moneys loaned from moneys
32 appropriated in this section and section 27 of this
33 2010 Iowa Act, and received after the effective date of
34 this 2011 Iowa Act, shall be credited to the general
35 fund of the state.

36 Sec. _____. 2010 Iowa Acts, chapter 1184, section 27,
37 is amended to read as follows:

38 SEC. 27. GROW IOWA VALUES FUND APPROPRIATION
39 REDUCTION.

40 1. In lieu of the \$50,000,000 appropriated for the
41 fiscal year beginning July 1, 2010, and ending June 30,
42 2011, from the grow Iowa values fund to the department
43 of economic development pursuant to section 15G.111,
44 subsection 3, there is appropriated from the grow Iowa
45 values fund to the department of economic development
46 for the fiscal year beginning July 1, 2010, and ending
47 June 30, 2011, \$38,000,000 for the purposes of making
48 expenditures pursuant to chapter 15G.

49 2. On the effective date of this section of this
50 2011 Iowa Act, an entity receiving moneys appropriated

1 pursuant to this section, with the exception of moneys
2 allocated pursuant to section 28, subsections 2 and
3 5, of this 2010 Iowa Act, shall cease obligating or
4 encumbering such moneys.

5 Sec. _____. REPEAL. Section 15E.233, Code 2011, is
6 repealed.

7 Sec. _____. REPEAL. Sections 15G.101 and 15G.109
8 through 15G.115, Code 2011, are repealed.

9 Sec. _____. REPEAL. Section 266.19, Code 2011, is
10 repealed.

11 Sec. _____. REPEAL. Section 455B.433, Code 2011, is
12 repealed.

13 Sec. _____. EFFECTIVE DATE. The provisions of this
14 division of this Act amending 2010 Iowa Acts, chapter
15 1184, being deemed of immediate importance, take effect
16 upon enactment.>

17 6. By renumbering as necessary.

BILL DIX
